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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*on the report of the Third Committee (A/52/640)*]

52/107. The rights of the child

The General Assembly,

Recalling its resolutions 51/76 and 51/77 of 12 December 1996, 51/186 of 16 December 1996 and Commission on Human Rights resolution 1997/78 of 18 April 1997,[1]

Also recalling the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s adopted by the World Summit for Children, held in New York on 29 and 30 September 1990,[2] notably the solemn commitment to give high priority to the rights of children, to their survival and to their protection and development, and reaffirming the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,[3] which, *inter alia*, states that national and international mechanisms and programmes for the defence and protection of children, in particular those in especially difficult circumstances, should be strengthened, including through effective measures to combat exploitation and abuse of children, such as female

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[1] See *Official Records of the Economic and Social Council, 1997, Supplement No. 3* (E/1997/23), chap. II, sect. A.

[2] A/45/625, annex.

[3] A/CONF.157/24 (Part I), chap. III.

infanticide, harmful child labour, sale of children and organs, child prostitution and child pornography, as well as other forms of sexual abuse, and which reaffirms that all human rights and fundamental freedoms are universal,

Underlining the need for mainstreaming a gender perspective into all policies and programmes relating to children,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social and economic conditions, poverty, natural disasters, armed conflicts, displacement, exploitation, racism and all forms of intolerance, unemployment, rural-to-urban migration, illiteracy, hunger, disability and drug abuse, and convinced that urgent and effective national and international action is called for,

Inviting Member States to promote the values of peace, understanding and dialogue in the education of children, as well as awareness of the urgent need to combat poverty, malnutrition and illiteracy worldwide,

Recognizing that legislation alone is not enough to prevent violations of the rights of the child, that stronger political commitment is needed and that Governments should implement their laws and complement legislative measures with effective action,

Recommending that, within their mandates, all relevant human rights mechanisms and all other relevant organs and mechanisms of the United Nations system and the supervisory bodies of the specialized agencies pay attention to particular situations in which children are in danger and where their rights are violated and that they take into account the work of the Committee on the Rights of the Child,

Stressing the need to strengthen partnerships between Governments, international organizations and all sectors of civil society, in particular non-governmental organizations, in order to achieve these objectives,

Reaffirming that the best interests of the child shall be a primary consideration in all actions concerning children,

I

IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

1. *Welcomes* the unprecedented number of one hundred and ninety-one States that have ratified or acceded to the Convention on the Rights of the Child[4] as a universal commitment to the rights of the child;

2. *Once again urges* all States that have not yet done so to sign and ratify or accede to the Convention as a matter of priority, with a view to reaching the goal of universal adherence established by the World Summit for Children and reiterated in the Vienna Declaration and Programme for Action;

3. *Recognizes* the important role of the Committee on the Rights of the Child in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation;

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[4] Resolution 44/25, annex.

4. *Invites* the Committee to enhance further the constructive dialogue with the States parties to the Convention and the transparent and effective functioning of the Committee;

5. *Requests* the Secretary-General to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee, and takes note of the Plan of Action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention;

6. *Calls upon* States parties to implement the Convention fully, to cooperate closely with the Committee and to comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated by the Committee;

7. *Also calls upon* States parties to the Convention to withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations;

8. *Recalls* that the amendment to paragraph 2 of article 43 of the Convention, which would increase the membership of the Committee on the Rights of the Child from ten to eighteen experts, was adopted by the Conference of States Parties to the Convention on the Rights of the Child on 12 December 1995, that this amendment was approved by the General Assembly in its resolution 50/155 of 21 December 1995, and, therefore, calls upon States parties to the Convention to take appropriate measures so that acceptance of the amendment by a two-thirds majority of States parties may be reached as soon as possible in order that the amendment may enter into force;

9. *Calls upon* States parties to the Convention to ensure that the education of the child shall be carried out in accordance with article 29 of the Convention and that the education be directed, *inter alia*, towards the development of respect for human rights and fundamental freedoms, the Charter of the United Nations and for different cultures and towards the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, gender equality and friendship among peoples, ethnic, national and religious groups and persons of indigenous origin;

10. *Also calls upon* States parties to the Convention, in accordance with their obligation under article 42 of the Convention, to make the principles and provisions of the Convention widely known to adults and children alike, and further calls upon States parties to encourage training on the rights of the child for those involved in activities concerning children, for example through the programme of advisory services and technical cooperation in the field of human rights;

11. *Stresses* that the implementation of the Convention contributes to the achievement of the goals of the World Summit for Children, as emphasized in the report of the Secretary-General on the progress at mid-decade on implementation of General Assembly resolution 45/217 of 21 December 1990 on the World Summit for Children;[5]

12. *Encourages* the Committee, in monitoring the implementation of the Convention, to continue to pay attention to the needs of children in especially difficult circumstances;

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[5] A/51/256.

II

CHILDREN WITH DISABILITIES

1. *Welcomes* the increased attention given by the Committee on the Rights of the Child to the equal enjoyment by children with disabilities of the rights of the child;

2. *Calls upon* all States to take all necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities and to develop and enforce legislation against discrimination against children with disabilities;

3. *Also calls upon* all States to promote a full and decent life for children with disabilities, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community;

4. *Emphasizes* the right to education as a human right, and calls upon States to make education accessible to children with special educational needs in a manner conducive to the child's achieving the fullest possible social integration and individual development and to adopt an integrated approach to providing adequate support and appropriate education for such children;

5. *Welcomes* the decision by the Economic and Social Council[6] to request the Special Rapporteur on Disability of the Commission for Social Development, in monitoring the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities,[7] to pay special attention to children with disabilities and the invitation to enhance the cooperation between the Special Rapporteur and the Committee on the Rights of the Child, and requests the United Nations High Commissioner for Human Rights and the United Nations Children's Fund to work closely with him;

6. *Calls upon* all States, in complying with their reporting obligations to the Committee under paragraph 1 of article 44 of the Convention on the Rights of the Child, to include, in accordance with the Committee's guidelines on the rights of the child,[8] information on the situation and the needs of children with disabilities, including disaggregated data, and on the measures taken to ensure to such children their enjoyment of the rights under the Convention;

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[6] E/1997/INF/3/Add.1, resolution 1997/20. For the final text, see *Official Records of the Economic and Social Council, 1997, Supplement No. 1* (E/1997/97).

[7] Resolution 48/96, annex.

[8] CRC/C/58.

III

PREVENTION AND ERADICATION OF THE SALE OF CHILDREN AND OF THEIR SEXUAL EXPLOITATION, INCLUDING CHILD PROSTITUTION AND CHILD PORNOGRAPHY

1. *Welcomes* the interim report of the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography,[9] and expresses its support for her work in examining, all over the world, the question of the sale of children, child prostitution and child pornography;

2. *Requests* the Secretary-General to provide the Special Rapporteur with all necessary human and financial assistance to make the full discharge of the mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-third session and a report to the Commission on Human Rights at its fifty-fourth session;

3. *Supports* the work of the open-ended inter-sessional working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention on the Rights of the Child related to the sale of children, child prostitution and child pornography, and expresses the hope that it will make further progress prior to the fifty-fourth session of the Commission with a view to finalizing that work before the tenth anniversary of the Convention;

4. *Calls upon* all States parties to the Convention to fulfil their obligation under article 34 of the Convention, and also calls upon all States to support efforts in the context of the United Nations system aimed at adopting effective national, bilateral and multilateral measures for the prevention and eradication of the sale of children and of their sexual exploitation, including child prostitution and child pornography, in particular by criminalizing the sexual exploitation of children;

5. *Requests* all States to implement on an urgent basis measures to protect children from all forms of sexual exploitation and sexual abuse, including measures in line with those outlined in the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996;[10]

6. *Calls upon* States to criminalize all forms of sexual exploitation of children, including commercial sexual exploitation, and to condemn and penalize all those offenders involved, whether local or foreign, while ensuring that children victims of this practice are not penalized;

7. *Also calls upon* States to review and revise, where appropriate, laws, policies, programmes and practices to eliminate all forms of sexual exploitation of children, including commercial sexual exploitation;

8. *Further calls upon* States to enforce relevant laws, policies and programmes to protect children from sexual exploitation, in particular by penalizing all those offenders involved, and to strengthen communication and cooperation between law enforcement authorities;

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[9] A/52/482.

[10] A/51/385, annex.

9. *Stresses* the need to combat the existence of a market that encourages such criminal practices against children;

10. *Urges* States, in cases of sex tourism, to develop or strengthen and implement laws to criminalize the acts of nationals of the countries of origin when committed against children in the countries of destination, to ensure that a person who exploits a child for sexual abuse purposes in another country is prosecuted by competent national authorities, either in the country of origin or in the country of destination, to strengthen laws and law enforcement, including confiscation and seizure of assets and profits and other sanctions, against those who commit sexual crimes against children in countries of destination and to share relevant data;

11. *Requests* States to step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking in children;

12. *Invites* States to allocate resources to provide comprehensive programmes designed to heal and to rehabilitate into society child victims of trafficking and sexual exploitation, including through job training, legal assistance and confidential health care, and to take all appropriate measures to promote their physical and psychological recovery and social reintegration;

IV

PROTECTION OF CHILDREN AFFECTED BY ARMED CONFLICT

1. *Expresses grave concern* at the numerous damaging effects of armed conflict on children, including the use of children as combatants in such situations, and emphasizes the need for the world community to focus increased attention on this serious problem with a view to bringing it to an end;

2. *Invites* all States to accede to relevant international human rights and humanitarian law instruments, and urges them to implement those instruments to which they are parties;

3. *Calls upon* all States and other parties to armed conflict to respect international humanitarian law, and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949[11] and the additional protocols thereto of 1977,[12] while bearing in mind resolution 2 of the twenty-sixth International Conference of the Red Cross and Red Crescent, held at Geneva from 3 to 7 December 1995, and to respect the provisions of the Convention on the Rights of the Child which accord children affected by armed conflict special protection and treatment;

4. *Calls upon* States and United Nations bodies and organizations to treat children during conflict and in post-conflict situations as a priority concern in human rights, humanitarian and development activities, including in field operations and country programmes, to enhance coordination and cooperation throughout the United Nations system and to ensure effective protection for children affected by armed conflict;

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[11] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[12] Ibid., vol. 1125, Nos. 17512 and 17513.

5. *Recommends* that the humanitarian concerns relating to children affected by armed conflict and their protection be fully reflected in United Nations field operations, which, *inter alia*, promote peace, prevent and resolve conflicts and implement peace agreements;

6. *Underlines* the importance that measures to ensure respect for the rights of the child, including in the areas of health and nutrition, formal, informal or non-formal education, physical and psychological recovery and social reintegration, be included within emergency and other humanitarian assistance policies and programmes;

7. *Stresses* the need for Governments and other parties to armed conflict to take measures, including the establishment, for example, of "days of tranquillity" and "corridors of peace", to ensure humanitarian access, the delivery of humanitarian relief and the provision of services, such as education and health, including immunization of children affected by armed conflict;

8. *Supports* the work of the open-ended inter-sessional working group of the Commission on Human Rights on a draft optional protocol to the Convention on the Rights of the Child related to the involvement of children in armed conflict, and expresses the hope that it will make further progress prior to the fifty-fourth session of the Commission with a view to finalizing this work;

9. *Urges* States and all other parties to armed conflict to adopt all necessary measures to end the use of children as soldiers and to ensure their demobilization and reintegration into society, including through adequate education and training, in a manner that fosters their self-respect and dignity, and invites the international community to assist in this endeavour;

10. *Welcomes* increased international efforts in various forums with respect to anti-personnel mines, recognizes the positive effect on children of those efforts, and, in this regard, takes due note of the conclusion of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction and its implementation by those States that become parties to it, as well as of the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-traps and Other Devices (Protocol II)[13] of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects;[14]

11. *Calls upon* all States and relevant United Nations bodies, including the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, to contribute on an ongoing basis to international mine clearance efforts, and urges States to take further action to promote gender- and age-appropriate mine-awareness programmes and child-centred rehabilitation, thereby reducing the number and the plight of child victims;

12. *Reaffirms* that rape in the conduct of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide, as defined in the

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[13] See CCW/CONF. I/16 (Part I).

[14] See *The United Nations Disarmament Yearbook*, Vol. 5: 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII.

Convention on the Prevention and Punishment of the Crime of Genocide,[15] and calls upon all States to take all measures required for the protection of women and children from all acts of gender-based violence, including rape, sexual exploitation and forced pregnancy, and to strengthen mechanisms to investigate and punish all those responsible and bring the perpetrators to justice;

13. *Urgently requests* that appropriate measures be taken by Member States and United Nations agencies, within the scope of their respective mandates, to ensure humanitarian access to children affected by armed conflict, to facilitate the extension of humanitarian assistance, including education, and to ensure the physical and psychological recovery and reintegration into society of child soldiers, victims of landmines and victims of gender-based violence;

14. *Recommends* that whenever sanctions are imposed their impact on children be assessed and monitored and that humanitarian exceptions be child-focused and formulated with clear application guidelines;

15. *Recalls* the importance of preventive measures such as early warning systems, preventive diplomacy and education for peace to prevent conflicts and their negative impact on the rights of the child, and urges Governments and the international community to promote sustainable human development;

16. *Calls upon* all States, in accordance with the norms of international humanitarian law, to integrate in their armed forces' training and education programmes, including those for peacekeeping, instruction on responsibilities towards the civilian population, in particular women and children;

17. *Welcomes* the appointment of Mr. Olara Otunnu as the Special Representative of the Secretary-General on the impact of armed conflict on children, in accordance with General Assembly resolution 51/77 of 12 December 1996;

18. *Invites* Governments, the specialized agencies, relevant United Nations bodies, notably the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and regional, intergovernmental and non-governmental organizations, as well as the Committee on the Rights of the Child, to cooperate with the Special Representative and to contribute to his work, including to his annual report;

19. *Recommends* that the Secretary-General ensure that the necessary support is made available to the Special Representative for the effective performance of his mandate, encourages the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights to provide support to the Special Representative, and calls upon States and other institutions to provide voluntary contributions for that purpose;

20. *Invites* Member States and relevant United Nations bodies and non-governmental organizations to consider how the subject of the impact of armed conflict on children can best be integrated into events designed to commemorate the tenth anniversary of the World Summit for Children and the entry into force of the Convention on the Rights of the Child;

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[15] Resolution 260 A (III).

V

REFUGEE AND INTERNALLY DISPLACED CHILDREN

1. *Urges* Governments to pay particular attention to the situation of refugee and internally displaced children by continuing to design and improve the implementation of policies for their care and well-being, with the necessary international cooperation, in particular with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and international humanitarian organizations;

2. *Calls upon* States and United Nations bodies, in recognizing the particular vulnerability of refugee and internally displaced children, to protect both their safety and their developmental needs, including health, education and psycho-social rehabilitation;

3. *Expresses its deep concern* about the growing number of unaccompanied refugee and internally displaced children, and calls upon all States and United Nations bodies and agencies to ensure the early identification and registration of unaccompanied refugee and internally displaced children, to give priority to programmes for family tracing and reunification and to continue monitoring the care arrangements for unaccompanied refugee and internally displaced children;

4. *Calls upon* all States and other parties to armed conflicts to recognize the particular vulnerability of refugee and internally displaced children to the damaging effects of such conflicts, stresses the special vulnerability of child-headed households, and calls upon Governments and United Nations bodies to give these situations urgent attention, to enhance protection and assistance mechanisms and to involve women and youth in the design, delivery and monitoring of measures taken to this effect;

5. *Invites* the representative of the Secretary-General on internally displaced persons to take into account the situation of internally displaced children in his preparation of guiding principles which are to form part of a comprehensive framework for the protection of internally displaced persons;

VI

ELIMINATION OF EXPLOITATION OF CHILD LABOUR

1. *Reaffirms* the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous to or interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development;

2. *Welcomes* the measures taken by Governments to eliminate the exploitation of child labour, while recalling the Programme of Action for the Elimination of the Exploitation of Child Labour,[16] and calls upon relevant United Nations agencies, in particular the United Nations Children's Fund and the International Labour Organization, to continue to support national efforts in this regard;

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[16] *Official Records of the Economic and Social Council, 1993, Supplement No. 3* (E/1993/23), chap. II, sect. A, resolution 1993/79, annex.

3. *Also welcomes* the recent holding of various international conferences on various forms of child labour;

4. *Further welcomes* the efforts by the Committee on the Rights of the Child in the area of child labour, takes note of its recommendations,[17] and encourages the Committee as well as other relevant human rights treaty bodies, within their respective mandates, to continue to monitor this growing problem when examining reports of States parties;

5. *Calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of all forms of exploitative child labour, and urges them, as a matter of priority, to eliminate all extreme forms of child labour, such as forced labour, bonded labour and other forms of slavery;

6. *Calls upon* all States that have not yet done so to consider ratifying the conventions of the International Labour Organization concerning the abolition of forced labour and the minimum age for employment, including for particularly hazardous work for children, and to implement those conventions;

7. *Calls upon* all States to support the negotiation, with a view to its early finalization, by the International Labour Organization of a future instrument aimed at eradicating the most intolerable forms of child labour;

8. *Also calls upon* all States to set specific target dates for eliminating all forms of child labour that are contrary to accepted international standards and for ensuring the full enforcement of relevant existing laws and, where appropriate, enacting legislation necessary to implement their obligations under the Convention on the Rights of the Child and International Labour Organization standards ensuring the protection of working children;

9. *Further calls upon* all States to recognize the right to education by making primary education compulsory and by ensuring that all children have access to free primary education as a key strategy in preventing child labour;

10. *Calls upon* all States to systematically assess and examine, in close cooperation with international organizations such as the International Labour Organization and the United Nations Children's Fund, the magnitude, nature and causes of the exploitation of child labour and to develop and implement strategies for combating these practices, with a specific emphasis on the situation of girls, their right to education and to access to schools on an equal basis with boys, in close cooperation with the United Nations Educational, Scientific and Cultural Organization;

11. *Calls upon* all States and the United Nations system to strengthen international cooperation as a means of assisting Governments in preventing or combating violations of the rights of the child, including the exploitation of child labour;

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[17] See *Official Records of the General Assembly, Fifty-first Session, Supplement No. 41* (A/51/41).

VII

THE PLIGHT OF CHILDREN LIVING AND/OR WORKING ON THE STREETS

1. *Expresses grave concern* about the large number of children living and/or working on the streets and at the continued growth in incidents and reports worldwide of such children being affected by serious crime, drug trafficking and abuse, violence and prostitution;

2. *Welcomes* the continuing efforts of Governments, the United Nations system and civil society to tackle this multifaceted problem;

3. *Calls upon* Governments to continue actively to seek comprehensive solutions for the problems of children living and/or working on the streets, including by helping to alleviate the poverty of such children, their families or guardians, by taking measures to ensure their reintegration into society and by providing, *inter alia*, adequate nutrition, shelter, health care and education, taking into account that such children are particularly vulnerable to all forms of violence, abuse, exploitation and neglect;

4. *Emphasizes* that the provisions of the Convention on the Rights of the Child and other relevant human rights instruments must constitute the standard in efforts to deal with this problem, and recommends that the Committee on the Rights of the Child and other relevant human rights treaty monitoring bodies continue to give attention to it when examining the reports of States parties;

5. *Strongly urges* all Governments to guarantee the respect for all human rights and fundamental freedoms, in particular the right to life, to take urgent measures to prevent the killing of children living and/or working on the streets, to combat torture and violence against them and to ensure strict compliance with the Convention and other relevant human rights instruments, including the requirement that legal and juridical processes respect the rights of the child;

6. *Calls upon* the international community to support, through effective international cooperation, the efforts of States to improve the situation of children living and/or working on the streets, and encourages States parties to the Convention, in preparing their reports to the Committee on the Rights of the Child, to take full account of the particular needs and rights of such children and to consider requesting technical advice and assistance for initiatives aimed at improving their situation;

VIII

Decides:

(*a*) To request the Secretary-General to submit a report on the rights of the child to the General Assembly at its fifty-third session containing information on the status of the Convention on the Rights of the Child and the problems addressed in the present resolution;

(*b*) To request the Special Representative of the Secretary-General on the impact of armed conflict on children to submit to the General Assembly and the Commission on Human Rights an annual report containing relevant information on the situation of children affected by armed conflict, bearing in mind existing mandates and reports of relevant bodies;

(*c*) To continue its consideration of this question at its fifty-third session under the item entitled "Promotion and protection of the rights of the child".

70th plenary meeting
12 December 1997